

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

FRANCISCO ISLAS CASSILAS,

Plaintiffs

v.

CITY OF SEATTLE, a municipal corporation
and/or a political subdivision; and JOHN AND
JANE DOE ONE THROUGH 10, husband and
wife and their marital community,

Defendants.

No. 2:15:-cv-00790-JPD

DEFENDANT CITY OF SEATTLE'S
ANSWER TO THE COMPLAINT AND
AFFIRMATIVE DEFENSES

JURY DEMAND

COMES NOW defendant City of Seattle, by and through its attorneys of record, Peter S. Holmes, Seattle City Attorney; and Andrew Myerberg, Assistant City Attorney; and hereby submits its Answer and Affirmative Defenses to Plaintiff's Complaint, and alleges as follows:

1. Defendant denies the allegations set forth in this paragraph, except admits that Plaintiff purports to proceed as stated therein.

2. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph.

1 3. Defendant admits that the City of Seattle is a municipality, duly organized and
2 existing under the law of the State of Washington, and that the Seattle Police Department is a City
3 agency.

4 4. Defendant denies knowledge or information sufficient to form a belief as to the truth
5 of the allegations concerning any “John and Jane Doe” defendants.

6 5. Defendant denies the allegations set forth in this paragraph, except admits that
7 documents purporting to be notices of claim were filed with the City of Seattle on February 11, 2015.
8 Defendant further denies the allegations set forth in this paragraph, except admits that the claims
9 alleged in the notices of claim have not been settled or adjusted and that plaintiff filed the instant
10 lawsuit on April 20, 2015 in King County Superior Court.

11 6. Defendant denies knowledge or information sufficient to form a belief as to the truth of
12 the allegations set forth in this paragraph, except admits that Plaintiff reported being a victim of a
13 crime committed by Mr. Cesar Hernandez-Garcia aka Jessahel Ortega-Baldis on February 20, 2012, in
14 Federal Way, Washington to the Federal Way Police Department.

15 7. Defendant denies the allegations set forth in this paragraph.

16 8. Defendant denies the allegations set forth in this paragraph, except denies knowledge or
17 information sufficient to form a belief as to the truth of the allegations concerning Mr. Cesar
18 Hernandez-Garcia aka Jessahel Ortega-Baldis’s alleged membership in the La Familia Drug Cartel.

19 9. Defendant denies the allegations set forth in this paragraph, except denies knowledge or
20 information sufficient to form a belief as to the truth of the allegations concerning Mr. Cesar
21 Hernandez-Garcia aka Jessahel Ortega-Baldis’s and his family’s alleged ties to the Mexican Mafia.

22 10. Defendant denies the allegations set forth in this paragraph.

23 11. Defendant denies the allegations set forth in this paragraph.

12. Defendant denies the allegations set forth in this paragraph.

13. Defendant denies the allegations set forth in this paragraph.

14. Defendant denies the allegations set forth in this paragraph, except denies knowledge or information sufficient to form a belief as to the truth of the allegations concerning any purported injuries suffered or damages incurred by Plaintiff.

PRAYER FOR RELIEF

Defendant denies that Plaintiff is entitled to the relief set forth in this section, including in paragraphs 1-4.

AFFIRMATIVE DEFENSES

1. Plaintiff has failed to state a claim upon which relief may be granted.

2. The City, a municipal corporation, is immune from liability for prejudgment interest on tort judgments and is immune from punitive damages.

3. Defendant City has not violated any rights, privileges or immunities under the Constitution or laws of the United States or the State of Washington or any political subdivision thereof.

4. At all times relevant to the acts alleged in the Complaint, the duties and functions of Defendant City's employees entailed the reasonable exercise of proper and lawful discretion.

5. Plaintiff's state law claims may be barred in whole, or in part, by governmental immunity for discretionary, policy making, and/or judgmental functions and decisions.

6. Any damages suffered by Plaintiff were caused in whole or in part by his own conduct or fault.

7. Plaintiff's claims may be barred in part or in whole by the applicable statutes of limitation.

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Defendant City of Seattle respectfully demands a trial by jury of all issues so triable.

WHEREFORE, Defendant City of Seattle respectfully requests that the Complaint be dismissed with prejudice, that it be awarded costs and reasonable attorneys' fees herein, and that it be granted such other and further relief as the Court finds just and equitable.

DATED this 17th day of July, 2015

PETER S. HOLMES
Seattle City Attorney

By: /s/Andrew Myerberg
Andrew Myerberg, WSBA #47746

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/s/ Tamara Stafford
Tamara Stafford, Legal Assistant